

# THE DEPARTMENT of COMMUNITY PLANNING & DEVELOPMENT

City Hall, Lynchburg, VA 24504

434.455.3894

---

To: Planning Commission

From: Planning Division

Date: October 12, 2005

**RE: SUBDIVISION, STREET DEDICATION AND NAMING REQUESTS – MIMOSA ACRES SUBDIVISION OFF MIMOSA DRIVE**

---

## I. APPLICANT

Thomas W. Guffey, Guffey Warner & Associates, Inc., 66 Timber Oak Court- Suite C, Oakdale Circle, Lynchburg Virginia 24502

**Representative:** Thomas W. Guffey, Guffey Warner & Associates, Inc., 66 Timber Oak Court- Suite C, Oakdale Circle, Lynchburg Virginia 24502

**Property Owner:** JCL, LLC, a Virginia Limited Liability Company, 798 High Peak Road, Monroe, Virginia 24514

## II. LOCATION

The subject property is a tract of land containing 8.902 acres located on the east side of Mimosa Drive, which is off Boonsboro Road. The proposed new road contains 0.751 acres located on the east side of Mimosa Drive.

## III. PURPOSE

The purpose of the request is to dedicate 0.751 acres for right-of-way for the proposed public street to be named "Paradise Lane" located on the east side of Mimosa Drive. The new street and Mimosa Drive would serve 14 newly created lots for residential development.

## IV. SUMMARY

- Request agrees with the Subdivision Ordinance requirements for dedicating public rights-of-way in an existing R-1, Low Density, Single-Family Residential District.
- Request agrees with the Zoning Ordinance requirements for right-of-way dedications.
- Request complies with City Code Section 35.105 requirements that "...all streets dedicated or private...may be assigned a name provided that a name assignment has been requested by the property owner on said street, and provided further that the Planning Commission deems the petitioned street of sufficient significance to warrant naming."
- Request complies with City Code Section 35.111 requirement that states the "proposed street name will be reviewed by the Technical Review Committee, Planning Commission and City Council, with the final decision resting with Council."

**The Planning Division recommends approval of the public street dedication and naming requests.**

---

## V. FINDINGS OF FACT

1. **Background.** Thomas W. Guffey, Guffey Warner & Associates, Inc., is requesting to dedicate 0.751 acres for right-of-way for the proposed public street to be named "Paradise Lane" located on the east side of Mimosa Drive, which is off Boonsboro Road. The proposed street, with fifty (50) feet of right-of-way, would extend from Mimosa Drive in a southeasterly direction for

approximately 600 feet to its terminus in a cul-de-sac surrounded by lots created by this subdivision.

2. **Zoning.** The subject property is zoned R-1, Low Density, Single-Family Residential District.
3. **Waivers.** No waivers from the Subdivision Ordinance will be needed for the subdivision, street dedication and naming requests.
4. **Proposed Use of Property.** The new street and Mimosa Drive would serve 14 newly created lots for residential development.
5. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed a preliminary subdivision plat on September 6, 2005. The TRC noted the need for several revisions, most of which are minor in nature and which are expected to be resolved by the applicant prior to the approval of a final plat. The TRC had the following comments of significance to the consideration of the requested subdivision, street dedication and naming:
  - "Before the plat is approved, a site plan indicating the proposed development of this site must be submitted. Comments on locations of easements will be made following submittal of the site plan."
  - "Sanitary sewer service to this site must be coordinated with the Engineering Division."
  - "Indicate access to the cemetery."
  - "An easement to allow future sanitary sewer extension to the Gaymoor Terrace area may be required."
  - "Additional right-of-way along Mimosa Drive is required to be dedicated to the City of Lynchburg."
  - Public utilities will need to be extended to serve the subject property. Road, water and sewer plans are to be submitted separately to the Engineering Division for review and approval before final subdivision plat approval."
  - "Public utilities will have to be extended to serve this property."
  - TRC Members—the Traffic Engineer and the Fire Marshal—had no concerns with the proposed public street name. The Emergency Communications Administrator and the Lynchburg Post Office Customer Services Manager also found that the proposed street name does not conflict with any existing street names.

## VI. PLANNING DIVISION RECOMMENDED MOTION

Based on the proceeding findings of fact, the Planning Commission recommends to City Council approval of the dedication of the public street to be named "Paradise Lane", with fifty feet of right-of-way, approximately 600 feet in length, to be constructed in substantial compliance with the plat entitled "Plat Showing Subdivision of Mimosa Acres," by Guffey Warner & Associates, Inc., dated August 22, 2005. The dedication of Paradise Lane and its acceptance as a public street is contingent on JLC, LLC, a Virginia Limited Liability Company filing a properly executed subdivision plat to be recorded among the land records in the Office of the Clerk of the Circuit Court; the filing of approved street and utility plans and the necessary construction bonds with the City; and the construction of the street in accordance with City standards. The failure to fully comply with these conditions shall render the City's acceptance of Paradise Lane as a public street null and void.

This matter is respectfully offered for your consideration.

William T. Martin, AICP  
City Planner

pc: Mr. L. Kimball Payne, III, City Manager  
Mr. Walter C. Erwin, City Attorney  
Ms. Rachel O. Flynn, Director of Community Planning & Development  
Mr. R. Douglas Dejarnette, Fire Marshal  
Mr. J. Lee Newland, Director of Engineering  
Lt. Danny R. Marks, Lynchburg Police Department Field Operations Bureau  
Capt. Todd Swisher, Lynchburg Police Department North Division  
Capt. H. W. Duff, Jr. Lynchburg Police Department East Division  
Capt. Al Thomas, Lynchburg Police Department South Division  
Mr. Gerry L. Harter, Traffic Engineer  
Mr. Robert Drane, Building Commissioner  
Mr. Keith A. Wright, Zoning Official  
Mr. Robert S. Fowler, Zoning Official  
Ms. Annette M. Chenault, Planner II  
Ms. C. Nicole Gilkeson, Community Development Planner  
Mr. Thomas W. Guffey, Guffey Warner and Associates, Inc., Representative

## **VII. ATTACHMENTS**

### **1. "Plat Showing Subdivision of Mimosa Acres"**

(see attached plat by Guffey Warner & Associates, Inc., dated August 22, 2005)